

For the Nuclear Regulatory Commission.  
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Nuclear Reactor Regulation.*  
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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-338 and 50-339]

### Virginia Electric and Power Company; Notice of Partial Denial of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has partially denied a request by Virginia Electric and Power Company, (licensee) for an amendment to Facility Operating License Nos. NPF-4 and NPF-7 issued to the licensee for operation of the North Anna Power Station, Unit Nos. 1 and 2, located in Louisa County, Virginia. Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on December 4, 1996 (61 FR 64396).

The purpose of the licensee's amendment request was to revise the Technical Specifications (TS) to permit the insertion of four demonstration fuel assemblies into the reactor core of either North Anna 1 or North Anna 2, as described in the licensee's submittal. The four lead test assemblies, fabricated by Framatome Cogema Fuels, will incorporate several advanced design features, including: a debris filter bottom nozzle, mid-span mixing grids, a floating top end grid, a quick disconnect top nozzle, and use of advanced zirconium alloys for fuel assembly structural tubing and for fuel rod cladding. A portion of the amendment request included a proposal to amend Section 6.9.1.7.b by adding one sentence. Because the non-specific sentence does not specify methods used to determine core operating limits, the proposal to add the sentence to the TS is denied.

The NRC staff has concluded that the licensee's request cannot fully be granted. The licensee was notified of the Commission's partial denial of the proposed change by a letter dated May 9, 1997.

By June 16, 1997 the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the

Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date.

A copy of any petitions should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Michael W. Maupin, Esq., Hunton and Williams, Riverfront Plaza, East Tower, 951 E. Byrd Street, Richmond, Virginia 23219, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendment dated September 4, 1996, as supplemented February 3, 1997, and (2) the Commission's letter to the licensee dated May 9, 1997.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903-2498.

Dated at Rockville, Maryland, this 9th day of May 1997.

For the Nuclear Regulatory Commission.

**Mark Reinhart,**

*Acting Project Director, Project Directorate II-1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-338 and 50-339]

### Virginia Electric and Power Company; North Anna Power Station, Units 1 and 2; Exemption

#### I

Virginia Electric and Power Company (the licensee) is the holder of Facility Operating License Nos. NPF-4 and NPF-7, which authorize operation of North Anna Power Station, Unit Nos. 1 and 2 (NPS1&2). The licenses provide, among other things, that the licensee be subject to all rules, regulations, and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility consists of two pressurized water reactors at the licensee's site located in Louisa County, Virginia.

#### II

By letter dated September 4, 1996, as supplemented February 3, 1997, the licensee requested an exemption to 10 CFR 50.44, 10 CFR 50.46, and Appendix K to 10 CFR Part 50 that would enable the use of four demonstration fuel assemblies for three cycles, with the initial irradiation planned for North Anna 1 Cycle 13. Irradiation of these four fuel assemblies may occur in either North Anna Unit 1 or North Anna Unit 2, or a combination of the two units, subject to the following constraints:

(1) The assemblies are not to be irradiated for more than three full operating cycles, and

(2) The maximum rod average burnup of any fuel rod in these assemblies shall not exceed the North Anna Units 1 and 2 lead rod burnup restriction of 60,000 megawatt days per metric ton uranium (MWD/MTU).

The regulations cited above refer to pressurized water reactors fueled with uranium oxide pellets within cylindrical zircaloy or ZIRLO cladding. The four demonstration assemblies to be used during these fuel cycles contain fuel rods with zirconium-based claddings that are not chemically identical to zircaloy or ZIRLO.

Since 10 CFR 50.46 and Appendix K to 10 CFR Part 50 identify requirements for calculating emergency core cooling system (ECCS) performance for reactors containing fuel with zircaloy or ZIRLO cladding, and 10 CFR 50.44 relates to the generation of hydrogen gas from a metal-water reaction with reactor fuel having zircaloy or ZIRLO cladding, an exemption is needed to place the four demonstration assemblies containing fuel rods with advanced zirconium-based cladding in the core.

#### III

Title 10 of the Code of Federal Regulations at 50.12(a)(2)(ii) enables the Commission to grant an exemption from the requirements of Part 50 when special circumstances are present such that application of the regulation in the particular circumstances would not serve the underlying purpose of the rule, or is not necessary to achieve the underlying purpose of the rule. The underlying purpose of 10 CFR 50.46 and 10 CFR Part 50, Appendix K, is to establish requirements for the calculation of ECCS performance. The licensee has performed a calculation demonstrating adequate ECCS performance for NPS1&2 and has shown that the four demonstration assemblies do not have a significant impact on that previous calculation. The peak cladding temperature of the demonstration